

SEC0500 – Hosting Foreign Nationals
PDF Version of Training
08/14/08

Hosting Foreign Nationals



Hosting Foreign Nationals



SEC0500

START HERE

Privacy and Legal Notice



COURSE NAVIGATION

Use the back and next (⏮ ⏭) buttons on the bottom right to move through the course.

Use the other buttons on the bottom left to utilize additional features.

- **Help** button will provide you with contact information for questions or concerns.
- **Resources** button will provide you with additional resources regarding the content in the course.



COURSE REQUIREMENTS

You must do the following to complete this training and receive course credit:

- Review the course information, which will take you about 15 minutes
- Pass the quiz at the end of the course with a 80% score

If you want to download a pdf version of this course prior to taking the quiz, click the red image.



Download a PDF version of this course.





Course Goal

The goal of this course is to familiarize employees with the requirements they must follow when hosting foreign nationals, along with counterintelligence/counterterrorism and export control issues.



Course Objectives

At the end of this course you will be able to:

- Recall the DOE requirements for foreign national access
- Recall the five terrorist-sponsoring (T-5) countries
- Recognize the new short-term T-5 visitor policy
- Recognize who to contact when planning to host a foreign national from a T-5 country
- Recognize that foreign nationals from sensitive countries working more than 30 consecutive calendar days require LBNL Executive approval
- Identify who can be a host of a sensitive or terrorist-sponsoring country foreign national
- Identify the responsibilities for hosting a sensitive or terrorist-sponsoring country foreign national
- Recognize the importance of export control laws
- Recall the concept of "deemed exports"
- Recall what to do if you notice suspicious behavior or intelligence gathering activities





Why Berkeley Lab Hosts Foreign Nationals

Berkeley Lab strongly supports an atmosphere of free intellectual exchange and collaboration within the international scientific and technical community. Visitors from around the world perform a vital role in sustaining the creative environment and achieving the mission of Berkeley Lab.



What is DOE O 142.3, Unclassified Foreign Visits & Assignments?

The DOE O 142.3 order defines a program for documenting unclassified foreign national access to DOE sites, information and technologies by establishing requirements for:

- Approval process for foreign national visits and assignments consistent with U.S. and DOE national security policies, requirements, and objectives
- Reviews of foreign national access requests to prevent unauthorized access to information, equipment, or technologies
- Process for documenting and tracking visits and assignments by foreign nationals to DOE sites or involving DOE information or technologies





How is DOE O 142.3 applied to Berkeley Lab?

As an unclassified facility that does not conduct classified research or store classified materials/information, Berkeley Lab follows a "graded approach" for reviewing and approving access by foreign nationals. The following individuals are included in this requirement:

- Individuals who are citizens of, were born in, or are employed or sponsored by companies or institutions of:
 - Terrorist-sponsoring countries (T-5)
 - Sensitive countries
- Individuals who are citizens of, were born in, or are employed or sponsored by companies or institutions of non-sensitive countries are **NOT** included unless they require access to a Property Protection Area (PPA) or have access to information involving Sensitive Subjects
- Lawful Permanent Residents (LPR) or "green card" holders are included under DOE O 142.3

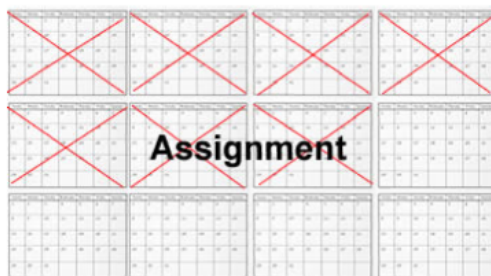
NOTE: Sensitive or T-5 individuals who have become naturalized U.S. citizens are exempt from DOE O 142.3 requirements



What does DOE consider a "visit" and an "assignment"?

Visit: Access by a foreign national for less than 30 consecutive calendar days is considered a visit. DOE's definition is based on a measurement of time and can include both individuals working at LBNL or short-term visitors attending workshops, meetings, or conferences; participating in a tour, etc.

Assignment: Foreign national access for more than 30 consecutive calendar days, but less than 2 full, consecutive years (24 months) is considered an assignment. An assignment may be extended for additional periods of up to 2 years each after required reviews and approvals are completed.



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Visit is indicated between days 8 and 26, with 'start' at day 8 and 'end' at day 26.





What are the Terrorist-sponsoring Countries?



All visits and assignments for individuals working or conducting research for any length of time must be approved by the DOE Under Secretary for Science PRIOR to LBNL access. The approval process may take 4-6 months or more.

NEW POLICY CHANGE FOR T-5 VISITORS (NOT ENGAGED IN WORK OR RESEARCH):

No DOE approval is required for short-term T-5 visitors who are not badged and are not engaged in work or research. They must have a host and a business need to visit the Lab for tours, meetings, workshops, conferences, job interviews, etc. T-5 visitors are not allowed access to LBNL Property Protection Areas. Contact FVA Administrator for additional information.



What are the Sensitive Countries?

DOE may designate countries as sensitive for reasons of national security, nuclear nonproliferation, regional instability, threat to national economic security, or terrorism support.

Individuals visiting or working:

- Less than 30 consecutive calendar days do not require LBNL or DOE approval
- More than 30 consecutive calendar days require LBNL Executive approval



One-month advance notification to FVA Office for assignments of 30 days or more.



Who can be a host of a sensitive or T-5 country foreign national?

To be a host of a foreign national from a sensitive or T-5 country you:

- Must be a DOE federal employee or LBNL employee (guests may not serve as hosts)
- Can be a foreign national, but a sensitive country foreign national may not host another sensitive or T-5 country foreign national
- Cannot host foreign nationals if you are a foreign national from a T-5 country



What are your host responsibilities prior to the visit or assignment?

If you are notified that your prospective hire or guest is a foreign national, you are responsible for meeting the following requirements for the specified country.

Terrorist-sponsoring Country:

All visits and assignments for individuals who are badged and working or conducting research for any length of time must be approved by the DOE Under Secretary for Science PRIOR to LBNL access. **New Policy Change:** No DOE approval is required for short-term T-5 visitors who are not badged and are not engaged in work or research. They must have a host and a business need to visit the Lab for tours, meetings, workshops, conferences, job interviews, etc. T-5 visitors are not allowed access to LBNL Property Protection Areas. Contact FVA Administrator for additional information.



Sensitive Country:

Notify the FVA Office if you plan to hire or invite any sensitive country foreign national who will be affiliated with LBNL for more than 30 days. Requires one month advance notification and LBNL Executive approval.



Non-sensitive Country:

There is no requirement for access to LBNL, unless **Sensitive Subjects** are involved or access to a **Property Protection Area** is needed. If you are responsible for approving access to a Property Protection Area, contact the FVA Office. For questions regarding sensitive subjects, contact the Lab's Export Control Officer.





What are your host responsibilities prior to the visit or assignment?

If you think your project or research may involve sensitive subjects, contact the Laboratory's Export Control Officer prior to hiring your prospective employee or participating guest. The Export Control Officer will assist in identifying any access limitations or restrictions and determine if a specific security plan should be implemented.

[Click here to see the sensitive subjects list](#)



What are the host responsibilities during the visit or assignment?

Inform your employees or guests that they should notify you of any changes in their immigration status. These changes in addition to any changes to work location, subjects to be discussed, or dates of access should be reported to the FVA Office.

If your employees or guests have completed their work or research and no longer require access, you must notify the FVA Office and your HR Center rep or guest processor.



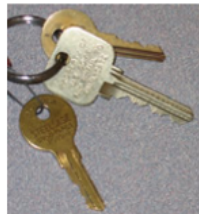
If you are unable to continue with your hosting responsibilities, you are required to inform the FVA Office and your HR Center rep or guest processor.





What are your host responsibilities after the visit or assignment?

At the conclusion of the foreign national visit or assignment, you must ensure that all Laboratory property (badges, parking permits, keys) are returned in accordance with HR termination procedures or policies outlined in the RPM, Section 1.06, Site Access.



Importance of Export Control Laws

United States (U.S.) export control laws seek to limit access to technology and data for non-U.S. persons of specific nationalities. U.S. persons are those who are citizens of the United States or have permanent resident status ("green card" holders).



U.S. export control laws could be violated by giving technology or data to non-U.S. persons even within the United States, resulting in potentially serious criminal charges including personal jail time and large fines. There is no excuse for not knowing the regulations. You cannot claim ignorance.



Importance of Export Control Laws

LBNL seeks to operate under an exception to the export control laws known as "fundamental research." This means that there is the opportunity to publish the results of any research.

Any restriction on the publication of research removes LBNL researchers from the fundamental research exception. Thus, such research may be export-controlled, and non-U.S. persons (not U.S. citizens or green card holders) having access to such research may be recipients of export-controlled technology or data.

A person giving such technology or data to a non-U.S. person could be guilty of a "deemed export" violation, with extremely serious consequences, both to LBNL and the personnel involved.

The transfer of export-controlled technology or data to non-U.S. persons within the U.S. is known as a "deemed export."

Direct exports are best controlled through Shipping and Receiving, which has the expertise and resources to clear outgoing material.



Importance of Export Control Laws



Researchers could be involved in potential deemed export violations by the sharing of confidential (non-publishable) information with a non-U.S. person. If information that may not be freely disseminated needs to be shared with a non-U.S. person, contact the Export Control Officer.

Such confidential information may arise due to material passed to LBNL researchers under a nondisclosure agreement or CRADA. In a small research group, such information may be passed from a U.S. person to a U.S. person without consequence.

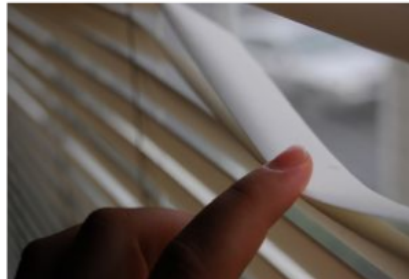
However, if such information is in turn passed to a non-U.S. person, a deemed export violation may occur. Therefore, original recipients of potentially export-controlled information should take actions to limit the further dissemination of such information to non-U.S. persons, including controlling access to such material by appropriate locks.





Reporting Suspicious or Illegal Activity

As the host of a foreign national, you are subject to DOE O 142.3 and required to report any suspicious or illegal activity. Should you observe any passage of potentially export-controlled information to the foreign national you are hosting, you are obligated to report it to the LBNL Export Control Officer. Any export control violation must be immediately reported by LBNL to the appropriate authorities.

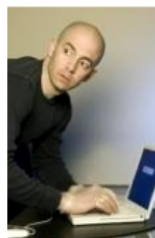


What to do if you suspect terrorism or intelligence gathering activities?

You are encouraged to notify the LBNL Counterterrorism/Counterintelligence Office about situations you observe or experience as a host that are suspicious in nature or make you feel uncomfortable.

Just like any Lab employee, hosts have a responsibility to report suspicious behavior that may involve activities or efforts or other inappropriate attempts to gather information that could be used to harm people or Laboratory assets.

Members of the LBNL Counterterrorism/ Counterintelligence Program staff sometimes talk to hosts after or before a visit or assignment and are available for consultations at any time.





RESOURCES

If you want more information regarding hosting foreign nationals, use the following contacts and link.

Foreign Visits and Assignments Office: FVA@lbl.gov, 486-7572 or 486-6016

Terrorist-Sponsoring Country Coordinator: FVA@lbl.gov, 486-7572

Sensitive Country Coordinator: FVA@lbl.gov, 486-5132

Counterintelligence Officer: CIOOffice@lbl.gov, 486-4988

Export Control Officer: 486-7096

LBNL Homeland Security Office: 486-4920

Computer Protection Program: 486-5519

International Researchers and Scholars Office: 486-6326

Foreign Visits and Assignments website: [Host Responsibilities](#)



HELP

If you have comments or questions regarding the content presented in this course, please contact:

Name: Maki Tabata
Email: JMTabata@lbl.gov
Phone: (510) 486-7572

If you have technical questions regarding the design or operations of this course, please contact:

Name: Brooke Vaughn
Email: ehs-webtraining-help@lbl.gov
Phone: (510) 486-7603





GET COURSE CREDIT

This concludes the lesson portion of this course. To get course credit, you will need to pass the following test with 80% accuracy. Click on the **TAKE TEST** button to continue.

It is recommended that you use your browser tabs and the course navigation buttons to review any information in this course. If you want to download a pdf version of this course prior to taking the quiz, click on the red image at the bottom left of the screen.

TAKE TEST



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